**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE V.V.S.RAO**

-

**WRIT PETITION No.14417 of 2004**

Between:

K.Radha Krishnaiah, s/o Narayana Swamy,
r/o Kalluru Village, Ananthapur District.

**..... PETITIONER**

AND

1. A.P.State Financial Corporation Ltd., rep., by its Managing Director, Chirag Ali Lane, Hyderabad.
2. The Asst.General Manager, A.P.State Financial Corporation, Chirag Ali Lane, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a direction or order more particularly in the nature of writ of mandamus declaring that the action of the respondents in invoking the provisions of Section 52A of AP Revenue Recovery Act is illegal and that the action of the 2nd respondent seeking to enforce the alleged dues by the Impugned Notice dated 04-08-2004 against the petitioner under the provisions of the said Act is illegal, arbitrary and against to the Provisions of Limitation Act.

**Counsel for the Petitioner: MR.AMBADIPUDI SATYANARAYANA**

**Counsel for the Respondents: MR.Y.N.LOHITA**

**The Court made the following:**

**THE HON'BLE MR JUSTICE V.V.S.RAO**

-

**WRIT PETITION No.14417 of 2004**

ORDER:

The petitioner is erstwhile Director of M/s.Sonar Caps & Lamps Pvt. Ltd., Muthangi, Patancheru Mandal, Medak District. The said company availed term loan from Andhra Pradesh State Financial Corporation (SFC) to a tune of Rs.43,30,000/-. The company became sick. The loan was not repaid. Be that as it is, when the Assistant General Manager of first respondent addressed a communication dated 04.8.2004 to the petitioner advising him to pay a sum of Rs.11,36,05,534/- and also informing that in case there is no response, SFC would invoke provisions under A.P. Revenue Recovery Act, 1864 (the Act). Apprehending said action, the present writ petition is filed.

Learned Counsel for the petitioner placed reliance on the decision of the Supreme Court in **State of Kerala v. V.R. Kalliyanikutty** and a judgment of this Court in **N.A.Radha v. State of A.P.** in support of the contention that the time barred debt of APSFC cannot be treated as "amount due" to the revenue for the purpose of invoking Section 52-A of the Act.

After hearing the learned Counsel for the petitioner and learned Standing Counsel for SFC, this Court is convinced that the writ petition is premature. The respondents have not so far invoked the provisions under Section 52-A of the Act to give any cause of action to the petitioner. The petitioner was only advised to pay the amount, which has been long pending. Unless and until further steps are taken, the petitioner cannot be said to have any redressible grievance.

Giving liberty to petitioner to avail appropriate remedies, as and when required, the writ petition is dismissed. No costs.

_____

**(V.V.S.RAO,J)**

23.06.2005

YS

To

1. The Managing Director, A.P.State Financial Corporation Ltd., Chirag Ali Lane, Hyderabad.
2. The Asst. General Manager, A.P.State Financial Corporation, Chirag Ali Lane, Hyderabad.

3. Two C.D. Copies.